

APR 27 2005

FAX TRANSMISSIONDATE: April 27, 2005PTO IDENTIFIER: Application Number 09/713,512-Conf. #4513
Patent Number

Inventor: Nicolaas M.j. Vermeulin et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney Dkt. #: 22116-00005-US5

PAGES (Including Cover Sheet): 7**CONTENTS:** Fee Transmittal (1 page)
Response to Board of Appeal's Decision (2 pages)
Terminal Disclaimer (2 pages)
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Application No. (if known): 09/713,512

Attorney Docket No.: 22116-00005-US5

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Fee Transmittal (1 page)
Response to Board of Appeal's Decision (2)
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PTO/SB/17 (12-04v2)

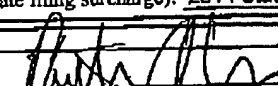
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/713,512-Conf. #4513
		Filing Date	November 14, 2000
		First Named Inventor	Nicolaas M.J. Vermeulin
		Examiner Name	Peter G. O'Sullivan
		Art Unit	1621
TOTAL AMOUNT OF PAYMENT (\$) 65.00		Attorney Docket No. 22116-00005-US5	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
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<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							<u>Small Entity</u>
							<u>Fee (\$)</u> <u>Fee (\$)</u>
2. EXCESS CLAIM FEES							
<u>Fee Description</u>							
Each claim over 20 (including Reissues)							50 25
Each independent claim over 3 (including Reissues)							200 100
Multiple dependent claims							360 180
<u>Total Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>		
					<u>Fee (\$)</u> <u>Fee Paid (\$)</u>		
<u>Indep. Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
	- 100 =	/50	(round up to a whole number) x				
							<u>Fees Paid (\$)</u>
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2814 Statutory Disclaimer							65.00

SUBMITTED BY		Registration No. 24,852	Telephone (202) 331-7111
Signature 	(Attorney/Agent)		
Name (Print/Type) Burton A. Amersick		Date	

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Docket No.: 22116-00005-US5
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nicolaas M.J. Vermeulin et al.

Application No.: 09/713,512

Confirmation No.: 4513

Filed: November 14, 2000

Art Unit: 1621

For: NOVEL POLYAMINE ANALOGUES AS
THERAPEUTIC AND DIAGNOSTIC AGENTS

Examiner: Peter G. O'Sullivan

RESPONSE TO BOARD OF APPEAL'S DECISION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Board of Appeal's Decision dated March 30, 2005.

No Amendments to the Specification.

No Amendments to the Claims.

Remarks begin on page 2.

Application No.: 09/713,512

Docket No.: 22116-00005-US5

REMARKS

Claims 3, 33-45, 47, 48 and 53 are now in the application.

The provisional rejection of claims 3, 33-45, 47, 48 and 53 under the judicially created doctrine of obviousness type double patenting as being unpatentable over application 09/713,512 has been overcome by filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Please charge any additional fees that may be due to our Deposit Account No. 22-0185, or credit any overpayment to our Deposit Account No. 22-0185 under Order No. 22116-00005-US5 from which the undersigned is authorized to draw.

Dated: 4-26-05

Respectfully submitted,

By 

Burton A. Amernick

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